

August 20th, 2008  
NOTICE OF REGULAR MEETING AND PUBLIC HEARING MEETING OF THE  
BENTON COUNTY PLANNING BOARD

WHEN: August 20, 2008  
TIME: 5:30 p.m. The Benton County Planning Board will meet to receive Public Comments on any of the proposed projects on the agenda.  
PLACE: Benton County Administration Building, 215 East Central Avenue  
Quorum Courtroom, 3rd Floor (Suite 324), Bentonville, AR 72712

**AGENDA FOR REGULAR PUBLIC HEARING**

**1. Call to Order**

**2. Roll Call**

The following Benton County Planning Board members were present: Scott Borman, Mark Gray, Caleb Henry, Bill Kneebone, Tim Sorey, and Heath Ward.

The following Benton County Planning Office staff members were present: Ashley Pope, Ronette Bachert and Karen Stewart.

**3. Disposition of the Minutes of July 2, 2008 technical advisory committee meeting and the July 16, 2008 public hearing meeting as distributed**

*Mr. Ward made a motion to accept the meeting minutes as distributed; Mr. Borman seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

**4. Reports of Planning Board members**

Mr. Sorey asked the Board members if there was anything anyone wanted to discuss other than appointing a new chairman.

*Mr. Borman nominated Mr. Ward as chairman of the Benton County Planning Board; Mr. Kneebone seconded the nomination. Mr. Sorey asked if Mr. Ward if he had any objections; Mr. Ward answered, "I'm here to do my duty."*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey, and Mr. Ward all voted in favor of the nomination; Mr. Ward was appointed as chairman.*

*Mr. Kneebone nominated Mr. Borman as vice-chairman of the Benton County Planning Board; Mr. Ward seconded the nomination.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the nomination; Mr. Borman was appointed as vice-chairman.*

Mr. Sorey turned the meeting over to Mr. Ward.

## 5. **Public Comment**

Mr. Ward opened the floor for public comment; showing none, public comment was closed.

## 6. **Old Business:**

A. Final Plat - **Walker Meadows** - Walker Road, Siloam Springs - James Surveying

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- Staff will verify that taxes are not delinquent (verified on 8/7/08, Benton County real estate taxes are current)
- Road names will need to be approved when the applicant applies for the Phase II preliminary plat
- Obtain a letter ensuring fire protection from the Gallatin fire district
- Submit a copy of the subdivision covenants to Staff
- Obtain a letter from the Road Department detailing the agreement regarding proposed improvements to Fullerton Drive.
- Add the utility easements to the plat
- Either remove or "gray out" Phase II of the subdivision
- Show dedicated rights-of-way for Walker Road & Fullerton Drive

Mr. Michael James of James Surveying in Gentry, Arkansas represented the final plat application for Mr. Leon Davis.

Ms. Pope stated that the only outstanding stipulation was to obtain a letter from the Road Department detailing the agreement regarding proposed improvements to Fullerton Drive and Walker Road. She stated that Staff had received an email from the Road Department stating that they had no objections to the improvements, but all other stipulations had been met.

*Mr. Borman made a motion to approve the final plat subject to the outstanding stipulation; Mr. Sorey seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

B. Preliminary Plat - **Spavinaw Creek Ranch** - 8690 Highway 43, Decatur - Civil Design Engineers

The stipulations from the TAC meeting of 7/2/2008 were as follows:

- Due to the property's location in a floodplain Zone A conduct a flood study or split the parcel from the parent tract at an elevation above the 100-year floodplain elevation.
- Obtain the approval of the Health Department for the wastewater treatment and lot sizes
- Correct the annotated acreage on Lot 6
- Split lot 19 into two separate lots; also show the "big bulk lot" (green space) owned by the POA as a numbered lot(s).
- Turn the stub street by Lots 6 and 7 into a T intersection with an easement only for Road 2. Remove Road 2 from the plat.
- Annotate how residents will access the creek on the property.
- Submit the planned profiles for the roads
- Submit drainage analysis and culvert designs for the roads
- If the property is split due to flood zone issues for Phase I, all improvements need to be located on the project property, or permission easement(s) needs to be indicated.
- Submit a copy of the hydraulic study of the 4" water line
- Since the water line will not meet the code for fire flow, installation of sprinkler systems in the houses will likely be a condition of approval.
- The Benton County Fire Marshal must approve the waiver request for the extended cul-de-sac length.

Mr. Ferdi Fourie of Civil Design Engineers represented the Preliminary Plat application.

Ms. Pope stated that she had sent her comments regarding the floodplain flood study issue; she asked why elevations of 940 and below still existed after the split of 40 acres from the parent parcel was done. She added that Staff had not received Health Department approval for wastewater treatment for the project - just acknowledgement that the application had been submitted. Ms. Pope stated that the Board's request to turn the stub street by Lots 6 and 7 into a T intersection was not followed; the stub street was turned into a cul-de-sac instead. She observed that nothing on the plat indicated how residents would access the creek, although a letter was submitted.

Ms. Pope questioned whether or not the drainage analysis would be modified due to the increased road width that was required; she also wanted to know whether or not the applicant would be increasing the road widths and cul-de-sac radii to meet fire code requirements. She asked the Board if the submitted information on the water line would suffice as the hydraulic study. She also enquired why the developer is resistant to installing residential sprinklers; she pointed out that the existing four-inch water line will not meet fire flow requirements and that the cost of residential sprinklers is minimal during construction.

Ms. Pope stated that she believed the Fire Marshal would waive the cul-de-sac length requirements on the cul-de-sac that exceeded 750 feet provided that the road widths meet minimum fire code requirements.

Mr. Borman asked who the water provider would be; Ms. Pope answered that it would be the City of Gravette. She added that a letter of approval from the City of Gravette had

been submitted, but that their approval is contingent upon the approval of the Health Department. Mr. Borman asked about the proposed waste water disposal; Ms. Pope informed him that the applicant is proposing individual septic systems; she stated that some soils analyses had been submitted and that they indicated "moderate limitations". Ms. Pope said that she believed that they would be approved, but that they had not yet received approval. Mr. Borman stated that the project site's elevation and proximity to Spavinaw Creek would likely cause issues; he added that he was not comfortable with the project moving forward until some of the issues are resolved.

Mr. Ward invited Mr. Fourie to address any of the issues that had been discussed. Mr. Fourie stated that there would not be any changes necessary (to the drainage report) due to the changes in road width. He said that he tried to revise the lot layout in order to remove all of the 940-foot elevations; Ms. Pope stated that there were only a few contours that were still at 940 feet. Mr. Fourie stated that he had shown a little grading to move the contour out, but he did not know if that was sufficient. Ms. Pope stated that the intent of the originally-proposed split was to exclude any of the elevations that were 940 feet and below from the development. Mr. Fourie proposed doing a full flood study with an encroachment analysis; he believed that the actual base flood elevation is below 930 feet.

Mr. Sorey asked what the developer's plans are for the cul-de-sac that provides access to the creek; Mr. Fourie stated that it would be used to provide mainly foot traffic access to the creek. Mr. Sorey asked for clarification on what type of surface the cul-de-sac would have and how wide it would be; Mr. Fourie answered that it would be a gravel surface and that it would be 15 feet wide. Mr. Sorey expressed concern that there would be vehicular traffic on the cul-de-sac, since it will be graveled and have a cul-de-sac with a 30-foot radius. He suggested that if the cul-de-sac would be used only for foot traffic, it should be changed to a sidewalk or trail to prevent anyone from driving on it.

Mr. Fourie stated that he thought it would be mostly foot traffic, but not exclusively; Mr. Sorey stated that if the area is left open to vehicular traffic and parking, then it needs to be able to accommodate vehicular access. Mr. Sorey reiterated that the area either needed to be restricted to foot traffic and have an easement dedicated for that or the plan needed to be revised to allow vehicular access. Mr. Fourie commented that although it would be mostly foot traffic, a 15-foot path would allow for vehicular traffic as well. Mr. Sorey stated that it was not gated and would not prevent anyone from accessing the area with a vehicle. Mr. Fourie stated that easements were granted only to the subdivision residents; Mr. Sorey said there must be signage stating that the area is not for public use. Mr. Fourie stated that they would add signage.

Mr. Gray asked for the source of the topographic information; Mr. Fourie stated that it was done by Precision Land Surveying. Mr. Gray asked if every elevation was based on an actual surveyed elevation; Mr. Fourie stated that it was. Ms. Pope said that they had tried to establish an estimated base flood elevation; they arrived at 940 feet as a conservative base flood elevation (BFE). She added that without a detailed study, they were unable to determine the actual BFE. She stated that she had suggested to the applicant that they split the 40-plus acres off from the parent parcel at an elevation above 940 feet. She commented that there are still a few areas that are 940 or below. Mr. Gray said that his main concern was the accuracy of the quad sheet could be off 10 feet either way. Mr. Fourie mentioned that the base flood calculation that he did was 926 feet in the flood stage. He commented that the flow that came through in 2004 was measured

downstream at 13,000 CFS (cubic feet per second?). He said that he thought that the 100-year study showed 15,000 CFS and that he felt confident that it would not go over the bank on that side. Ms. Pope stated that she agreed that the base flood elevation is probably lower than 940 but that it could not be determined without a detailed study; she said that she suspected that a detailed study would put the BFE at 930. She stated that the 940 estimate was based on the best available information.

Mr. Sorey noted that the 940 touched Lot 12; Ms. Pope stated that the 940 is only small part of the south side of the property and that was the whole intent of splitting the property.

Mr. Borman asked for the outstanding stipulations; Ms. Pope listed them:

- Obtain the approval of the Health Department for the wastewater treatment and lot sizes
- Turn the stub street by Lots 6 and 7 into a T intersection with an easement only for Road 2. Remove Road 2 from the plat
- Annotate how residents will access the creek on the property
- Submit drainage analysis and culvert designs for the roads
- Show offsite easements if residents will be accessing the creek
- Submit a copy of the hydraulic study of the 4" water line
- Since the water line will not meet the code for fire flow, installation of sprinkler systems in the houses will likely be a condition of approval
- The Benton County Fire Marshal must approve the waiver request for the extended cul-de-sac length. (The Fire Marshal requires a 26' road width with a 96' diameter cul-de-sac, 120' hammerhead or a 60' "Y")

Staff recommended tabling until the items are addressed; Mr. Borman agreed, saying that there were quite a few items left to address and that he would like to see the project tabled until they are addressed. Mr. Ward stated that he thought there had been ample communication, so none of these requirements should come as a surprise.

*Mr. Borman made a motion to table the project until the next TAC meeting; Mr. Gray seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

## **7. New Business:**

- C. Large Scale Development - **C2 Automotive** - 23339 Lawlis Road, Siloam Springs  
- Civil Engineering, Inc.

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- Consider connection to the water main that is located 800 feet to the east of the property

- Consider installing sprinklers in the buildings onsite
- The applicant must submit a drainage report
- Label the type and width of road on the plat
- Add lines to the plat for the property owner's and notary's signatures
- Verify culvert size and replace if necessary before proposed paving
- Change the side yard setback to ten feet

Mr. Ron Homeyer of Civil Engineering represented the large scale development.

Ms. Pope stated that the applicant had submitted a drainage report and they have met all of the stipulations. She stated that there were two things for the Board to consider: connection to the water main 800 feet east of the property and installing sprinklers in the buildings on site. She further stated that neither are required but are something that they have been asked to consider. Mr. Homeyer stated that the applicant had analyzed it and these options were not cost-effective.

Ms. Pope asked if they intended to pave the front area; Mr. Homeyer stated that the area will be paved before opening the business. He stated that the other parking area will be paved over time. Mr. Borman asked if the applicant had obtained all necessary approvals and had the plans reviewed for the water system (which is on a well). Ms. Pope stated that Mr. Holcomb had obtained a Health Department approval letter.

*Mr. Borman made a motion to approve; Mr. Gray seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

#### D. Large Scale Development - **Daniel Montez Warehouse** - 3323 Wagon Wheel Road, Springdale - ESI

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- Note the use type (i.e. office, commercial, warehouse, residential, vacant, etc.) of the site and adjacent properties
- Submit a hazardous chemical compliance letter to Staff
- Show the type of road on the plat (i.e. county road, 5 lanes, etc.)
- Indicate the entire right-of-way width of Wagon Wheel Road on the plat
- Onsite parking should be designated and paved
- Submit a solid waste disposal contract
- Submit a public utilities service agreement

- Submit a fire department service acceptance letter
- Submit proof of notification of adjoining property owners
- Submit revised site plan showing new parking configuration
- The applicant will be required to pave vehicle traffic areas from Wagon Wheel Road to the front of the existing office
- The applicant will be required to gravel the loop around the existing building for truck traffic
- Establish the areas in which all traffic will traverse, plant grass in the remainder of the yard
- Determine if any encroachments exist and rectify with appropriate easements (east side of the parking area)
- Clean up the site for compliance with environmental rules and & regulations. A courtesy inspection from Benton County Environmental Services can be scheduled.

Mr. Jason Appel of ESI represented the large scale development. Mr. Appel stated that he wanted to clarify that there would not be any semi-truck traffic on the site; he said that there was a trailer shown in the photo but that it was strictly for temporary storage until the warehouse is completed. He said that the applicant is proposing the gravel drive shown on the plans.

Ms. Pope stated that the applicant had resubmitted a new site plan and that Staff had not yet received comments from the City of Springdale on the project. It was noted that Springdale had received the plans about a week ago. Mrs. Stewart interjected that she had spoken with Clayton Sedberry of the City of Springdale Planning office and that he had forwarded comments regarding only the Harris large scale development; he stated that he would get comments regarding the Montez project to her the next day. Ms. Pope noted that she did not think that the City of Springdale exercises its extra-territorial jurisdiction for large scale developments, but that they did want to make comments on this project.

Ms. Pope stated that the entire right-of-way width for Wagon Wheel Road was not shown on the plat, but it might not be necessary since the 40 feet on the project side was shown. Mr. Appel noted that a note also addressed the right-of-way. Mr. Pope noted that the requirements for a solid waste disposal and a public utility service agreement could be satisfied by providing a copy of the bills.

Ms. Pope said that the gravel loop requested at the last meeting was not shown on the plat. She also noted that seeding was not shown on the plat and asked Mr. Appel where the seeding would be done; Mr. Appel was unsure, but stated that the gravel area would go back to the warehouse and the rest of the property would be seeded. Mr. Sorey commented that one note on the plan is a little misleading, stating 'existing gravel area is not hatched'; he noted that it needs to be changed to reflect the two different hatched areas.

Ms. Pope enquired about the encroachment on the east side of the parking area. Mr. Appel stated that the owner would talk to the adjacent property owner and remove it at his discretion. Ms. Pope added that the stipulation regarding site clean up could be either a condition of approval or an enforcement issue with Environmental Services.

- Indicate the entire right-of-way width of Wagon Wheel Road on the plat
- Onsite parking should be designated and paved
- Submit a solid waste disposal contract
- Submit a public utilities service agreement
- The applicant will be required to pave vehicle traffic areas from Wagon Wheel Road to the front of the existing office
- The applicant will be required to gravel the loop around the existing building for truck traffic and show the loop on the site plan
- Establish the areas in which all traffic will traverse, plant grass in the remainder of the yard
- Determine if any encroachments exist and rectify with appropriate easements (east side of the parking area)
- Clean up the site for compliance with environmental rules and & regulations. A courtesy inspection from Benton County Environmental Services can be scheduled.
- Once comments are received from the City of Springdale: should any of the comments be objectionable, the applicant must return to the Board for review

*Mr. Sorey made a motion to approve subject to the outstanding stipulations and comments; Mr. Borman seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

E. Large Scale Development - **Wagon Wheel Commercial Project for David Harris** - 3357 Wagon Wheel Road, Springdale - Crafton, Tull, Sparks & Associates

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- Submit a hazardous chemical compliance letter
- Provide a road construction design plan for Acuff Drive
- Show existing easements and rights-of-way on the plat
- Submit a solid waste disposal contract



- Note the use type (i.e. office, commercial, warehouse, residential, vacant, etc.) of the site and adjacent properties
- Add lines for the notarized property owners' signatures
- Clarify primary and alternate septic areas
- The applicant will be required to pave the parking area
- The applicant will be required to pave Acuff Drive to the full length of the property and to a width of 20 feet (tapered to existing gravel)
- Ensure that the appropriate road right-of-way is dedicated
- Include the surveyor's stamp and signature either on the site plan or on a survey
- Coordinate with power company to resolve issue of overhead power lines conflicting with building footprint
- The grading plan should show how contours will tie in with proposed grades of Wagon Wheel Road to its center line
- Show slope or flow lines on the grading plan
- Add the dimension of the pad and rip rap
- Add spot elevations to the retaining wall drawing
- Add a structural design of the retaining wall to the plan to avoid drainage issues
- Obtain a temporary easement for the retaining wall and show it on the plans
- Adjust location of pond
- Remove old drive and old parking spaces from the plan (C102)

Mr. Matt Caster of Crafton, Tull, Sparks and Associates represented the large scale development.

Ms. Pope noted that there were three outstanding stipulations: add the lines for notarized property owners' signature, ensure that the appropriate road right-of-way is dedicated, and coordinate with the power company to resolve issue of overhead power lines. Mr. Borman asked if everything else had been taken care of; Ms. Pope stated that it had been. She added that she had just received the comments from the city of Springdale and that the applicants may not have had a chance to review them. Ms. Pope noted that the applicant could likely negotiate with the City of Springdale on some of the requirements, since the project has been evaluated as if it were within the city limits.

Mr. Henry asked if the County had final approval authority and the Board was simply being asked to consider Springdale's comments; Ms. Pope stated, "Yes." She stated that other than the three aforementioned stipulations, Benton County standards had been met.

For the record, the comments from the Planning Department of the City of Springdale are as follows:

"Engineering: (note: Project is located outside Springdale city limits. All comments are suggestions based on Springdale Standards.)

1. Sidewalk required with the widening of Acuff Dr. Provide Springdale Standard Detail.
2. The developer is required to dedicate right-of-way of an abutting street in conformance with the City of Springdale Master Street Plan. A separate dedication document shall be submitted to the City for filing.
3. If wall is over thirty inches (30"), a handrail is required. If wall is over four feet (4'), a formal design is required.
4. Need to note that modified curb is required at the drives.
5. Need details of all street and drainage improvements. Show proposed street section for widening of Acuff Drive.
6. Show the widening of Acuff Drive to the southern project boundary and show proposed transition to the existing road south of the site.
7. There is a concrete driveway apron for an existing drive proposed with the Wagon Wheel improvements. If possible, coordinate with Construction Dynamics Group (CDG – Administrators of the Springdale Bond Program) to eliminate the unnecessary apron.
8. The stationing on page C-201 for Acuff Road is not in agreement with the profile stationing.

Detention Pond Comments:

1. Minimum 2' elevation difference between 100 yr WSE and FFE.
2. In no case shall the limits of maximum ponding elevation be closer than twenty feet (20') horizontally from any building and less than two foot (2') vertically below the lowest sill or floor elevation.
3. Sod is required to the 100 year WSE.
4. Provide a four foot (4') wide trickle channel with 2% slope from where water enters the pond to the outlet structure.
5. A twenty foot (20') Drainage Easement surrounding 100 yr WSE is required.
6. Provide for 25% additional storage.

Planning Comments:

1. Proposed right-of-way is shown for Acuff Dr. This should be dedicated by separate document.

2. Building setback for a commercial structure is 30 feet from the right-of-way; the west side of the building is within this setback by 20 feet.
3. What is the use of the building? Specific use will determine required parking."

Mr. Sorey asked Mr. Caster about the curb as it ties in to Acuff Drive, specifically where the curb ends and the existing edge of the gravel begins. Mr. Caster stated, "I have asphalt and then at the end of it I have concrete - and then I have, where... that curve is, I'm tapering that curb from a half a foot to a foot on Acuff so the pavement will roll around the access drive onto Acuff." Mr. Caster clarified that the applicant planned to asphalt all the way to the modified curb and blend it to gravel.

Mr. Sorey was concerned with the road where it seemed that the asphalt was squared off against the gravel; he said that there is grass outside of the gravel and that it seemed that the road would abut the grass. He stated that the applicant should, "taper gravel to match their existing 12' wide..." road.

- Add lines for the notarized property owners' signatures
- Ensure that the appropriate road right-of-way is dedicated for Acuff Drive
- Coordinate with power company to resolve issue of overhead power lines conflicting with building footprint

*Mr. Sorey made a motion to approve the large scale development subject to Benton County's outstanding stipulations; Mr. Borman seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

F. Large Scale Development - **Avoca Fire & Rescue Substation # 2** - 17307 Posy Mountain Road, Avoca

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- Provide a legible copy of the septic approval
- Provide contour information / a copy of the quadrangle map
- If the sketch is left on the survey, obtain a letter from Blew & Associates giving their permission to use their survey

Fire Chief Frankie Elliott of the Avoca Volunteer Fire Department represented the large scale development.

Ms. Pope stated that everything had been submitted as requested. Mr. Henry asked if the county road department had agreed to do the road improvements as well as a turnout or

apron. Fire Chief Elliott stated that they had agreed to do the improvements, including putting in the culvert, a driveway and a parking lot.

Mr. Sorey asked if the applicant had identified a site location on the map or just the road. Fire Chief Elliott stated that he didn't do anything on it. Ms. Pope noted the red arrows towards the bottom. Mr. Henry asked if the survey showed contours; Ms. Pope stated that it did not. Mr. Ward noted that he remembered that the site was on a good road and that the area was very flat; Ms. Pope agreed that the site is probably one of the only flat places in that area.

Ms. Pope noted that the applicant's building would be about 50 feet from the centerline of the road; she said that further to the south the property begins to elevate. She stated that the site is in a valley, so during a storm event, water would drain into that valley and into the storm drainage system. She noted that the building is 40' by 50' with gravel parking areas.

Staff recommended approval unless the Board had concerns about the drainage. Mr. Henry expressed some concerns regarding storm drainage and contours, but he stated that if the county road department was happy with it and were going to maintain it then it would be good enough.

*Mr. Kneebone made a motion to approve pending any outstanding stipulations; Mr. Sorey seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

#### G. Lot Split - **Windy Hills Estates, Lot 41** - 17878 Stover Lane, Rogers - Survey 1

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- Add a note to the plat stating that buildings cannot be rebuilt in setbacks and rights-of-way
- Add a note to the plat that the survey doesn't guarantee septic approval
- Staff will inform Environmental and the Health Department of the issues regarding these properties

Mr. Gene Buescher of Survey 1 represented the lot split.

Ms. Pope stated that all stipulations had been met and that Staff recommended approval. Mr. Ward asked if the Board had any comments regarding the lot split, he noted that the Board had received an email stating that Environmental Services would be checking the property.

Mr. Sorey commented that there are multiple lots with one well and an unknown situation on the septic tanks. Mr. Borman stated that Environmental Services and the Health Department would address these issues.

*Mr. Sorey made a motion to approve; Mr. Borman seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey, and Mr. Ward all voted in favor of the motion; the motion was passed.*

H. Lot Split - **Woodridge Manor, Lot 20** - 8693 Manor Drive, Bentonville - Northstar Engineering

There were no stipulations from the TAC meeting of 8/6/2008 for this project.

Mr. Terry Ging of Northstar Engineering represented the lot split.

Ms. Pope stated that there were no outstanding stipulations and that Staff recommended approval.

*Mr. Borman made a motion to approve; Mr. Gray seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

I. Large Scale Development - **Northwest Arkansas Conservation Authority (NACA) Regional Wastewater Treatment Plant** - Snively Road, Highfill - Burns & McDonnell

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- The applicant will need to submit a drainage report with computations and a letter stating that there will be no adverse impact downstream
- Submit a full set of Civil Plans, to show grading and drainage
- Submit a boundary survey and topographic survey stamped and signed by the surveyor
- Submit an erosion control/SWPPP plan
- Submit a copy of all ADEQ permits or approval letters for the facility.
- Obtain a 911 address for the facility
- Submit proof of compliance with FEMA regulations for the effluent structure located on site.
- Submit hazardous chemical compliance letter
- Submit solid waste disposal contract
- Letter verifying fire protection of the site
- Provide proof of notice of adjoining property owners

- Show dedicated right-of-way for Snavelly Road; total right-of-way width should be 50 feet.

Mr. Eldon Schneider of Burns & McDonnell and Mr. John Sampier of the Northwest Arkansas Conservation Authority (NACA) Regional Wastewater Treatment Plant represented the large scale development project.

Ms. Pope stated that the applicant had tried to meet the requirements but that they had just delivered some items, so there are a number of things that Staff had not had a chance to review. Mr. Schneider interjected that he had sent electronic copies of the documentation on Friday. Ms. Pope reiterated that Staff had not had the opportunity to review the items.

Ms. Pope reviewed the outstanding stipulations (see above). She noted that there is a small portion of the site that edges into the floodplain. She also stated that Staff had received the hazardous chemical compliance letter, the solid waste disposal contract, the letter verifying fire protection of the site and the proof of notification of adjacent property owners. Ms. Pope stated that if all of the required items have been submitted, Staff would have no issue with recommending approval. She stated that her only area of concern regarding this project is the floodplain.

Mr. Borman asked if all of the notifications had been done properly; Ms. Pope stated that they are all marked August 5th, so they were sent out and were on time.

Mr. Borman asked who would supply potable water; Mr. Schneider replied that it would be the City of Highfill.

Ms. Pope noted that Staff had received one complaint from an adjoining property owner who stated that they had not been notified of the project; Staff investigated and found that the complainant's address had not been updated with the Real Estate Assessor's office. Mr. Borman noted that Staff's review of the submitted requirements could be a condition of approval.

Mr. Sorey asked about the tract split document that was submitted with the applicant's other information; Ms. Pope stated that it was an older survey that she believed the applicant submitted to meet the requirement for "a boundary survey and topographic survey stamped and signed by the surveyor." Mr. Schneider noted that there are two boundary surveys for the two separate pieces of land that NACA now owns.

Staff recommended 1. That Staff verifies that all required items have been submitted and 2. That the effluent structure on-site meets all FEMA flood-proofing regulations as conditions of approval.

Mr. Borman made a motion to approve the project pending verification that all outstanding stipulations have been met and verification that the effluent structure meets FEMA requirements for being in a floodplain. Mr. Schneider interjected that he had notes in the transmittal letter submitted to the Board regarding the effluent structure and all structures within the floodplain; he stated that all of these buildings "are designed to actually be submerged without coming out of their stance, and basically that's what your code is looking for." Mr. Borman stated that this information would be verified along with the rest of the items.

Mr. Ward stated that he had a motion on the table; Mr. Gray stated that if the motion still stood, he would second it.

Mr. Sorey interjected a question regarding when the applicant planned on beginning construction; Mr. Schneider stated that the bid opening would begin October 2nd.

Someone from the audience asked if there would be public comment on this project; Chair advised him that public comment had been allowed at the beginning of this meeting. Since there had been no public comment, public comment was closed.

Mr. Sampier stated that they would meet all of Benton County's requirements as well as the requirements of ADEQ and the EPA. He informed the Board that they planned to break ground at the beginning of the year and have the facility operating in the third quarter of 2010. The facility would provide sewage treatment for the city of Bentonville and the city of Tontitown. He stated that expansions would be done as needed, ultimately having the capability of processing 80 million gallons per day.

Mr. Sorey asked if the applicant had submitted their permit to ADEQ; Mr. Schneider replied that they had and that it was under review. Mr. Sorey enquired if the right of way on Snavelly Road was a 50 foot right-of-way; Mr. Schneider concurred that it was a prescriptive right of way. Mr. Sorey and Mr. Gray discussed the right-of-way; they decided that a document should be submitted that acknowledges the dedicated right-of-way for Snavelly Road. Mr. Sampier stated that NACA would dedicate the right-of-way.

Mr. Ward asked for any further comments; there were none. He stated that there was a motion and a second then proceeded to the vote:

*For review: Mr. Borman made a motion to approve pending verification that all outstanding stipulations have been met and verification that the effluent structure meets FEMA requirements; Mr. Gray seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

J. Variance from Subdivision Regulation Request - **Jerry Dixon** - 4430 NE Hudson Road, Rogers - Ronald Ridout

The stipulations from the TAC meeting of 8/6/2008 were as follows:

- Completing a tract split via a new survey will be required
- Obtain the approval of the City of Rogers

Mrs. Patsy Dixon, of 2004 West Sycamore Street in Rogers, represented the variance request.

Ms. Pope stated that all stipulations had been met; she noted that the line on the southeast side of the property (marked 217.79) was not moved - only Tract 2 was split from the property. Ms. Pope noted that the reason for this project being brought to the Board was that this tract had previously been split.

*Mr. Sorey made a motion to approve; Mr. Gray seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

K. Variance from Tract Split Regulations - **Violet Harrington** - 20335 Chicken Drive, Decatur - Civil Tech

This project was a new addition to the agenda; it was not reviewed at the TAC meeting of 8/6/2008.

Mrs. Violet Harrington, of 20335 Chicken Drive in Decatur, and her son, Phillip Harrington, represented the variance request.

Ms. Pope commented that the original family tract split had been approved administratively in 2004; the applicant now wished to split one acre off of the remaining property. Ms. Pope noted that the Board would not be able to correct the errors of the past; she stated that either a subdivision or an informal plat should have been done in 2004 instead of the tract split.

Mr. Sorey expressed concern about the right-of-way for Chicken Drive in relation to the boundary line. The Board discussed this matter; Mr. Sorey stated that the surveyor needed to correct the right-of-way/boundary line overlap and Mr. Gray concurred. Mr. Henry asked how the new survey compared to the previous survey and if the property lines were shown within the right-of-way; Ms. Pope stated that the new survey had been done by the same company as the previous survey, so she believed that that was the case.

Mr. Gray noted that the right-of-way was not being dedicated on this plat and that the Board generally requires that rights-of-way are dedicated. Mr. Ward asked if the boundary line would need to be adjusted. Mr. Gray asked if Benton County regulations require that a right-of-way be dedicated; Mr. Sorey agreed that if the right-of-way had never been dedicated, it would have to be dedicated on the plat.

Mr. Harrington asked if this meant that his mother needed to give up more land; Mr. Sorey stated that it meant that the survey needed to indicate the right-of-way on the drawing, since the Harrington property ends at the right-of-way.

Mr. Ward asked if the Board would need to see this proposed project again if the surveyor corrects the drawing; Mr. Sorey stated that he did not need to see it again.

*Mr. Sorey made a motion to approve pending resolution of the property line and boundary issue; Mr. Gray seconded the motion.*

*Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone, Mr. Sorey and Mr. Ward all voted in favor of the motion; the motion was passed.*

Discussion of the variance request was concluded.

Ms. Pope apologized again for any Staff oversights this evening, referring to NACA's emailing of their documentation. Mr. Sorey stated that the applicant should have



provided hard copies of the documentation for distribution to the Board; Mr. Gray, Mr. Borman and Mr. Ward all concurred.

Mr. Sorey commented on the Board requesting that property owners to sprinkle new residences in the county based on a fire code that he stated was inconsistent. He stated that he would like to have criteria for simple large scale developments to follow. Mr. Ward suggested that a workshop could be scheduled once the vacant Planning Board position is filled. After some discussion, Ms. Pope recommended scheduling a workshop in which the Fire Marshal, County Judge and Emergency Management Director would be invited. She cautioned the Board that no amount of change would "cure all of our ills."

During the discussion of volunteer fire stations and what is and is not required of them, Mr. Sorey offered to volunteer time to one or two volunteer fire stations per year in order to create good plans for the Board to review; his hope was that other engineers would follow suit.

Ms. Bachert asked if it was common practice for a fire station to have trucks downstairs and sleeping quarters upstairs; several of the Board members stated that, in the case of volunteer fire fighters, they do not sleep at the fire house.

Ms. Pope asked for Board comments on Planning's submittal deadlines and process. Mr. Borman stated that as long as the meeting nights don't change, he is amenable to whatever Staff wants. Ms. Pope noted that had thought that they were on a four-week schedule when they are really on a three week schedule. Mr. Sorey expressed concern that the consultants have adequate time. Mr. Ward recommended that the Public Hearing and the TAC meetings be combined. Ms. Pope stated that the Planning calendar is published through the end of the year, but that after the new year, they could try some different options. Staff and the Board agreed that they would take some time to work out details.

## **8. Adjournment**

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Ashley E. Pope

Planning Director